

### REMARKS

This application was filed on April 5, 2004 as a Divisional application of US application Serial No. 10/009,576 filed March 14, 2002, now US Pat. No. 6,829,497. The '497 patent originally contained 34 claims including a first independent claim 1 and its dependent claims 2-19, a second independent claim 20 and its dependent claims 21-33, and a third independent claim 34.

A Restriction requirement dated 09/24/2004 required that Applicant elect between the species I represented by Figs. 1- 21 and the species II represented by Figs. 22- 35.

In reply and on October 24, 2003 applicant elected claims 1-19 (SIC 21) and 34 which were said to read on the embodiment of Figs. 1-21. The restriction was traversed.

An Office Action mailed 12/08/2003 responded to the traversal and classified claims 21-33 as "withdrawn". An action on the merits followed rejecting claims 1-19 and 34, but indicating that claims 5, 6, 8, and 11-19 and 34 would be allowed if amended to overcome the Rule 112 rejections.

A response filed March 31, 2004 canceling claims 1 and 20-33, and amending claims 5, 6, 8, and 11-19 and 34 in a manner consistent with the Examiner's prior suggestions.

**On April 8, 2004 the present Divisional Application was filed including a copy of the US Application Serial No. 10/009,576 as originally filed, and a Preliminary Amendment canceling the original claims 1-19 and 34 that had been "withdrawn" by the Examiner in the corresponding '576 Application. This left original claims 20 -33 to be examined in the Divisional Application.**

An Office Action mailed **05/21/2004** raised further rejections under §35 U.S.C. 112, allowed claims 5, 6, 15-18 and 34, and indicated that claims 2-4, 7-14 and 19 would be allowed if amended to overcome the rejections.

A response filed **July 21, 2004** amended the claims as suggested; and

On **08/25/2004** a Notice of Allowance was mailed, the Issue fee was ultimately paid and the application was issued as US Patent No. 6,829,497 on **Dec. 7, 2004**.

On **12/17/2004** an Office Action in the present Divisional Application was mailed requiring that in addition to the cancelled claims, all other claims be listed with "proper status modifiers".

A response was filed on January 6, 2005 including a substitute Preliminary Amendment listing with text all claims originally filed in the corresponding '576 Application and including what was believed to be "proper status modifiers" indicating the status of the claims in this application on its filing following the requested amendment. Note that the status of claims 1-19 and 34 was indicated as "(Withdrawn)", and the status of claims 20 – 33 was indicated as "(Original)".

An Office Action mailed **11/04/2005** repeated the "Non-Compliant " objection and set forth a restriction requirement essentially identical to that earlier raised and subsequently responded to in the '576 Application, and requiring that Applicant make an election that did not appear to be called for since the claims remaining in the present application after the Preliminary Amendment include a single independent claim 20 and its dependent claims 21-33, all of which are identified as "(Original)" and are clearly directed to the

**Examiner identified species II of Figs. 22-35 by virtue of the "splines" limitation that appears in all of the non-withdrawn claims; namely, claims 20-33.**

**Applicant can only guess that it was not noticed that the present case is a Divisional Application, but in any event, Applicant respectfully solicits that the Examiner more clearly indicate that which he requests be done by Applicant in response to the Office Action. Perhaps a telecon can resolve the issue, and in this regard the Examiner is respectfully invited to call the undersigned at 650-622-2321.**

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: January 4, 2006

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